

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID JAMES SAINZ,

Defendant.

Case No. 11-cr-00640-BLF-3
Case No. 11-cr-00712-BLF-2
Case No. 11-cr-00894-BLF-1

**ORDER GRANTING UNITED STATES'
MOTION TO OBTAIN UNDER SEAL
RECORDS**

Defendant David James Sainz has filed a “Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and in Conjunction with the Minus Two Drug Amendment (782)” in each of his criminal cases, Case No. 11-cr-00640-BLF-3, Case No. 11-cr-00712-BLF-2, and Case No. 11-cr-00894-BLF-1. The United States moves to obtain certain documents that were filed under seal in those cases so that it can respond to Defendant’s motions. Because the documents are sealed, the United States cannot identify them by docket entry and instead identifies them by description or category. The Court has reviewed all documents filed under seal in each of the three cases listed above and has identified those sealed documents that satisfy the descriptions and categories provided by the United States:

(1) The United States requests the April 2013 post-conviction agreement entered into between the United States and Defendant. That request is GRANTED. The Clerk’s Office shall provide the United States with the Post-Conviction Agreement filed on April 25, 2013 and docketed as follows:

Case No. 11-cr-00640-BLF-3: ECF 91;
Case No. 11-cr-00712-BLF-2: ECF 54;
Case No. 11-cr-00894-BLF-1: ECF 84.

(2) The United States requests the transcript of the April 25, 2013 hearing at which the post-conviction agreement was entered into and accepted by the Court. No transcript appears on the dockets. However, the United States is GRANTED LEAVE to order a copy of the transcript from the Court Reporter. Any such transcript shall be filed under seal.

(3) The United States requests the briefing that was filed regarding the Rule 35 Motion. That request is GRANTED. It does not appear that Defendant filed any briefing. The Clerk's Office shall provide the United States with the United States' Motion to Reduce Sentence Under Rule 35(B)(2) and Memorandum in Support of Motion to Reduce Sentence Under Rule 35(B)(2) filed on October 7, 2014 and docketed as follows:

Case No. 11-cr-00640-BLF-3: ECF 92 and 93;

Case No. 11-cr-00712-BLF-2: ECF 55 and 56;

Case No. 11-cr-00894-BLF-1: ECF 103 and 104.

(4) The United States requests the transcript from the resentencing hearing, which the United States believes may have occurred on October 31, 2014. The Minutes filed in each case, which are not sealed, indicate that the resentencing hearing occurred on October 21, 2014. No transcript of that hearing appears on the dockets. However, the United States is GRANTED LEAVE to order a copy of the transcript from the Court Reporter. Any such transcript shall be filed under seal.

(5) The United States requests "any other filed document not reflected in the dockets relating to the resentencing of defendant Sainz." The Court has not identified any such documents.

The United States Attorneys' Office shall provide copies of these materials, as well as a copy of this Order, to Defendant David James Sainz at his place of confinement.

The documents that are the subject of this Order shall remain under seal until further order of the Court.

IT IS SO ORDERED.

Dated: January 19, 2016



BETH LABSON FREEMAN
United States District Judge